

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN QUINONES,

Plaintiff,

v.

ST. ANDRE, et al.,

Defendants.

No. 2:22-cv-00833-DC-DMC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANT GRAY’S MOTION FOR
SUMMARY JUDGMENT

(Doc. Nos. 37, 40)

Plaintiff Steven Quinones is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 30, 2025, the assigned magistrate judge issued findings and recommendations recommending that Defendant Richard Gray’s unopposed motion for summary judgment (Doc. No. 37) be granted and judgment be entered in his favor because the undisputed facts show he was not deliberately indifferent to Plaintiff’s medical needs, and Plaintiff failed to exhaust administrative remedies prior to filing this lawsuit. (Doc. No. 40 at 10–20.) The magistrate judge also recommended dismissal of the other two remaining Defendants John Doe I and California Department of Corrections & Rehabilitation (“CDCR”) because Plaintiff failed to amend his complaint to allege the true name of Defendant Doe I and “CDCR is immune from suit under the Eleventh Amendment.” (*Id.* at 5, n.1.)

Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.* at 20.) To date, no objections to the pending findings and recommendations have been filed, and the time in which to do so has now passed.

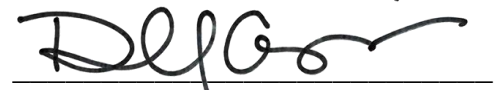
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued on January 30, 2025 (Doc. No. 40) are ADOPTED in full;
2. Defendant Richard Gray's motion for summary judgment (Doc. No. 37) is GRANTED;
3. Defendants John Doe I and California Department of Corrections & Rehabilitation are dismissed from this action;
4. The Clerk of the Court is directed to update the docket to reflect that Defendants John Doe I and California Department of Corrections & Rehabilitation have been terminated from this action;
5. Judgment shall be entered in favor of Defendant Gray; and
6. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: April 28, 2025


Dena Coggins
United States District Judge